

Self-Represented Litigant Petition:
**Divorce under Article 103 (1) with NO minor
children**
Instructions

This guide is **not legal advice** and cannot take the place of the advice that a lawyer can give you. It is always best to speak with a lawyer before taking any legal action.

When you represent yourself in court, you must follow all the proper procedures and the law. It is your responsibility to see your case through the whole process.

These **instructions** are meant to guide you through the process of asking the court for a divorce. There are multiple types of divorce in Louisiana and these forms address Article 103 only.

You must meet all of the following conditions to use these forms:

- You must have **no children** (together with your spouse) that are **under the age of 18**, born or adopted.
- You must live **separate and apart from your spouse for at least 6 months** [one hundred and eighty (180) days] before filing for divorce.
- You and your spouse **must have lived in Louisiana** for at least six months and/or lived in Louisiana together when you decided to divorce.
- You must **NOT** have entered into a **covenant marriage**.
- Your spouse is **not an active member of the United States armed forces** or any of its allies.

Information you will need:

- The exact date and location (parish) where you were married.
- The location (parish) where you and your spouse last lived together
- The exact dates when you and your spouse began living in separate homes.
- The exact name and current address of your spouse

You will be filing your divorce as a self-represented litigant (SRL), which means without an attorney representing you.

As the person suing for divorce, **you** will be called the **Petitioner** and **your spouse** will be called the **Defendant**.

HOW TO COMPLETE THE FORMS:

Please print all information clearly. Make sure all of the blanks are filled in on all pages and that all headings are completed.

Step 1) Filing the Petition

Forms filed together: “**Petition for Divorce**” & “**Verification**”

- The first form is titled “*Petition for Divorce*” & it includes an area titled “*Verification*”. After you complete the Petition, sign the *Verification* form **in front of a Notary Public**.
- Bring your original Petition for Divorce and Verification, along with TWO additional photocopies, to the Clerk of Court in the parish where you live.
 - Go to the Civil Department and tell the clerk that you do not have a lawyer, and that you want to file for divorce.
 - Ask the clerk to stamp the date on one of the copies of the petition you brought to keep for yourself.
- After the petition is filed, ask the Clerk for a **certified copy** of the petition for your spouse.

Step 2) Issuing Service

In order to proceed, your spouse needs to be given a **certified copy** of the petition **after** it has been filed.

***If you will give your spouse the petition:**

- Give your spouse the certified copy of your divorce petition after it was filed along with the form titled the “**Acceptance of Service**”
- Your spouse (the Defendant) must sign the “Acceptance of Service” **in front of a Notary Public**.
- File the “Acceptance of Service” with the Clerk of Court.

***If the sheriff needs to serve your spouse the petition:**

- Indicate on the Petition that you will need to have your spouse **personally served**.
- **You need to provide an address** (home or work) where the Sheriff can find your spouse to deliver the divorce papers. If the address is hard to find, you must provide directions. You will need to check back with the Clerk’s Office to see if your spouse has been served. You may have to pay for this service and the amount varies by location.

- If your spouse has been served by the Sheriff, he/she is allowed **fifteen (15) days from the date he/she was served to answer the suit.**
 - After 15 days, you will need to check with the Clerk's office to make sure your spouse has not filed an answer or any other pleading.
 - **If your spouse has filed a motion in opposition to the divorce, these forms can no longer be used and you will need to come to Court.**

Step 3) Motion for Preliminary Default

If your spouse has not filed anything in response to the petition you filed *or* if your spouse has signed the Acceptance of Service, the next form to complete is the **“Motion for Preliminary Default”**

- After you file the Motion for Preliminary Default, you must wait **three (3) days** for the Judge/Commissioner & the Clerk to sign and enter the preliminary default before you continue to the Final Judgment.

Step 4) The Final Judgment

Forms filed together: **“Affidavit of Facts”**; **“Certification by Self-Represented Litigant”**; **“Judgment of Divorce”**

- After your Preliminary Default has been entered, complete the form titled **“Affidavit of Facts”**
 - You must sign the Affidavit of Facts **in front of a Notary Public**
 - *The Affidavit of Facts must be signed AFTER your petition is filed but not more than 30 days before the final Judgment is signed.*
- Complete the **“Certification By Self-Represented Litigant”** and the **“Judgment of Divorce”**
- Bring the Affidavit of Facts, the Certification by Self-Represented Litigant, and the Judgment of Divorce to the Clerk's Office. **Take the complete record** to the clerk of the Judge/Commissioner for the Judgment to be signed.
- Once the Judge/Commissioner has signed your JUDGMENT OF DIVORCE, the Clerk's office will **give** you a certified copy of it.

You are divorced as of the date of the Judge's/Commissioner's signature at the bottom of the Judgment of Divorce. Keep this certified copy for your records.

- If you want to return to using your maiden name or the name of your minor child(ren) from a previous marriage, then you should complete the form titled “**Motion To Resume Using Maiden Name/Name Of Minor Children**”.
 - You may file this at the same time you file the affidavit of facts and the final judgment of divorce for the Judge/Commissioner to sign. Ask that the motion and order be presented to the Judge/Commissioner after he or she signs the judgment of divorce.